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SEC

SERVICE DATE – LATE RELEASE AUGUST 4, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42088

WESTERN FUELS ASSOCIATION, INC., AND
BASIN ELECTRIC POWER COOPERATIVE

v.

BNSF RAILWAY COMPANY

Decided: August 4, 2008

In this proceeding, Western Fuels Association, Inc. and Basin Electric Power Cooperative (collectively, WFA) challenge the reasonableness of the rates charged by BNSF Railway Company (BNSF) for movements of coal from origins in the Powder River Basin (PRB) in Wyoming to WFA's Laramie River Station coal-fired electric utility plant at Moba Junction, WY. In a decision served on September 10, 2007, the Board found that WFA had failed to establish that the challenged rates were unreasonably high, but offered WFA an opportunity to submit supplemental evidence.

In a pleading filed on August 1, 2008, WFA requests that the due date for filing its third supplemental rebuttal evidence in this proceeding be extended 4 days from August 11, 2008, to August 15, 2008. According to WFA, the extension is needed to allow it to properly respond to BNSF's supplemental reply evidence. WFA states that counsel for BNSF has indicated that BNSF does not oppose the requested extension.

WFA's unopposed request for an extension of the due date for its rebuttal statement in this proceeding is reasonable and will be granted as set forth below.

It is ordered:

1. The request for modification of the procedural schedule is granted. WFA's rebuttal statement is due August 15, 2008.

2. This decision is effective on its date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary